

LET'S HAVE FREEDOM OF CHOICE!

A Call to Restore and Preserve That Fine Old American Tradition—

THE RIGHT TO CHOOSE YOUR OWN GUESTS, PATRONS, TENANTS, NEIGHBORS AND EMPLOYEES!

The Issue Defined

Do YOU prefer that the state decide with whom YOU shall eat, drink, dance, bathe and shave? Do YOU prefer that the state determine who shall live under YOUR roof, who shall be your neighbor, or who shall be YOUR employee?

Or do YOU prefer that YOU YOURSELF be allowed to choose your own companions and associates in these intimate personal human relationships?

Such are the basic questions raised by the proposed initiative amendment to the California state constitution known as the "freedom of choice amendment."

Opponents of the proposed measure assert that freedom of choice is merely an attractive but deceptive name for "legal discrimination," and that its adoption would deprive members of the minority groups of "equality before the law." Proponents of the amendment deny this and charge that California's present "civil rights" code in effect legalizes discrimination against the majority. They would repeal the code.

Opponents maintain that the freedom of choice issue involves race, color, nationality and religion. The proponents insist that it relates only to personal liberty and private property rights, and has nothing to do with race, color, nationality and religion. This is the battle line drawn.

Treatment of the Issue

During most of the first 160 years of the American Republic, freedom of choice was taken for granted throughout America. No one questioned the right of the businessman to determine the standards of his own private establishment by choosing his own guests and patrons; the right of the landlord to say who should live under his own roof; the right of the neighborhood to shape its own environment; the right of the employer to choose his own employees. THERE WERE NO CIVIL RIGHTS CODES DURING MOST ALL OF THESE DECADES.

Today, the simple proposal to recapture these stolen freedoms and private property rights has aroused a storm of opposition. Intelligent, unbiased citizens are shocked by the uniform note of hysteria, ignorance, misrepresentation, smear, bigotry and hatred contained in denunciatory newspaper editorials and radio comments, and in condemnatory resolutions passed by various political groups and other organizations.

Indeed, according to an Associated Press news item, Mr. Ira Barr, president of the Northern California Division of the American Jewish Congress, actually has asked California's attorney general to refuse the measure a ballot title, thus to prevent circulation of the initiative petitions. Obviously, were the attorney general to heed Mr. Barr's request (he has publicly stated that he would not), the initiative law itself would be abolished by administrative

decree!

THE AMERICAN JEWISH CONGRESS, IT SEEMS, IS OPPOSED TO FREEDOM OF CHOICE EVEN IN THE MATTER OF LETTING THE PEOPLE CHOOSE THE ISSUES UPON WHICH THEY MIGHT LIKE TO VOTE!

AMERICA PLUS will not conduct its campaign for the amendment by smear, name-calling or misrepresentation. On the contrary, it believes that this historic, highly controversial and momentous issue deserves to be treated with the greatest objectivity, and in a most dignified and statesmanlike manner.

The tolerant citizen does not encourage intolerance by exhibiting fits of bitterness and emotion. Instead, he meets every public issue on the high plateau of self-control and reason.

Legal Discrimination

Under California's so-called civil rights code, a white citizen who is refused service by the white owner of a restaurant cannot sue for damages on the basis of race discrimination because both are white. But a Negro who is refused service may sue for damages on the presumption that the white owner acted because of racial or color bias. It makes no difference that the Negro may have been refused service for reasons wholly unrelated to race or color. The white citizen is subject to costly litigation just the same, and in 17 northern states to criminal prosecution as well.

The same rule applies to Jews, Mexicans, Orientals and to all others whose race, color, nationality or religion differs from that of the owner of the restaurant, or from that of the owners of hotels, motels, trailer camps, inns, cafes, bars, ice cream parlors, soft drink stands, dance halls, skating rinks, bath houses, barber shops, and other places of "public accommodation" which doubtless include apartment houses and rooms in private homes that are advertised for rent.

Thus the California civil rights code gives members of the minority groups A PREFERRED LEGAL STATUS OVER THE MAJORITY. They have their day in court; the majority does not!

In short, the present California civil rights code TOLERATES AND RECOGNIZES LEGAL DISCRIMINATION, and the practical effect of the law is to subject the majority to damage suits, to blackmail, and to extortion. This is constantly taking place!

Adoption of the proposed amendment would restore equality before the law. It would return to the businessman his right to choose his own guests and patrons where the service is of an intimate personal nature such as eating, drinking and living under the same roof together. Once more he could RUN HIS OWN BUSINESS, protect his own private investment. And it would free him from the constant fear of being publicized as a racist or bigot for his mere insistence upon the right to choose.

Opposition Claims

Opponents of freedom of choice contend that its restoration would be followed by an orgy of "legalized discrimination" on the part of businessmen, property owners and employers. THIS IS TANTAMOUNT TO CHARGING THAT THE GREAT MAJORITY OF CALIFORNIA'S CITIZENS ARE POTENTIAL RACISTS AND BIGOTS WHO CANNOT BE TRUSTED WITH FREEDOM OF CHOICE!

AMERICA PLUS concedes that like all other people, including members of the minority groups, businessmen, property owners and employers do have their likes and dislikes which sometimes run to the extreme. But it does NOT agree with the opposition that on a whole these fine citizens are any less tolerant than any other class or group.

During the many decades before there was any civil rights code in California, the majority and minority relationships steadily improved without benefit of coercive law. There never has been an FEPC law in California; and there is none now. In 1946, an FEPC proposal was defeated by the decisive popular vote of 1,682,646 against, to 675,697 for.

Yet in the years since, so great has been the advancement of minority racial and color groups in employment, that the minority press itself teems with proud and mighty boasts of the progress made. YES, PROGRESS MADE UNDER COMPLETE FREEDOM OF CHOICE AS PRACTICED BY CALIFORNIA'S EMPLOYERS! ADOPTION OF THE AMENDMENT WILL GUARANTEE FREEDOM OF CHOICE IN THE FUTURE.

Prejudices or Preferences?

Rights are always subject to abuse. Freedom of choice is no exception to the rule. But because

the effects of a right are sometimes bad, is that good reason to abolish the right itself? In the absence of an open confession, what court can look into his mind and decide WHY the owner of a restaurant refused service to a Negro? Was it because of the color of his skin, or for some other reason? Was it prejudice that caused the "discrimination," or did the owner merely prefer to serve people of his own kind?

Where do prejudices end, preferences begin? Can a citizen not prefer his own kind without hating some other kind?

CIVIL RIGHTS LAW IS LAW BY MIND READING AND MENTAL TELEPATHY. It makes no distinction between prejudices and preferences. It assumes that the majority is saturated with prejudices, but has no preferences. The majority always is presumed to be intolerant, never tolerant. Therefore, the right to make private decisions must be vested in the state, not in the individual citizen. THIS IS THE PHILOSOPHY OF FASCIST TYRANNY.

Freedom of Choice, on the other hand, cannot exist except in a FREE SOCIETY. For it places the citizen before the state.

Inside the White House

When Mrs. Hoover occupied the White House she chose to employ mixed help. That was freedom of choice. When Mrs. Eleanor Roosevelt became the First Lady she chose to dismiss the white and to employ all colored servants on the theory that "a staff solid in color works in better understanding, and maintains a smoother-running establishment." (See White House Diary by housekeeper Henrietta Nesbitt). That also was freedom of choice.

The dismissed white employees complained that Mrs. Roosevelt had "discriminated" against them; the new all-colored staff thought that Mrs. Roosevelt merely had a preference for Negroes as servants.

If meanwhile there is no new FEPC, the next First Lady who moves into the White House may choose to employ all white help. That, too, will be freedom of choice. But in such event, doubtless the dismissed colored employees will complain that the First Lady has "discriminated" against them because of race, and the new white employees will conclude that she merely has a preference for whites!

AMERICA PLUS believes that all First Ladies should have the right to choose their own staffs. But it also believes that all other employers should have the same right to choose THEIR OWN employees.

Therefore, AMERICA PLUS is seeking to forever ban FEPC in city, state and nation by the passage of local charter, and state and national constitutional amendments.

The American Neighborhood

The roots of America are in its neighborhood. It is the binding neighborhood tie that is the most precious national asset. AMERICA PLUS would let the neighborhood roots grow deep. These are sure to die unless the neighborhood has the right to develop its own culture, promote its own happiness, and to protect its own private values.

Some people prefer to live in mixed neighborhoods; others do not. Sonoma accepted Sheng after Southwood had voted that it did not want this young Chinese war veteran as a neighbor. If Sonoma wanted Sheng, was not that exclusively the business of those who resided in the neighborhood which he joined? If Southwood did not want Sheng, was that any of the business of the state or of any citizen who DID NOT LIVE in Southwood?

There is not a large city in America which does not have its typically Jewish neighborhoods, Negro sections, Chinatowns, Mexican communities. The vast majority of these people prefer to live and work among their own kind. Do we call them bigots and racists on that account? Yet white citizens who prefer to live in a white neighborhood often are so branded because they insist on residing among their own kind.

The people of Southwood did not reject Sheng because they HATED him. Many of them admired him as a person. They did not want him as a neighbor because they feared that his coming might bring an Oriental colony into their midst. And they simply did not choose to live among people whose culture and way of life were different from theirs. Are they to be scorned for that? If so, what becomes of the forgotten right to the pursuit of happiness?

Adoption of freedom of choice would guarantee the people of each neighborhood the right, by majority vote, to say who they preferred as neighbors. They could choose anyone the majority wanted, regardless of race, color, nationality or religion. This is the exact opposite of restrictive covenants in property deeds which arbitrarily bar others than

Caucasians from residing in the neighborhood.

Freedom of choice is the democratic American way of promoting maximum happiness in a community. LET NEIGHBORHOODS HAVE THE RIGHT TO CHOOSE!

Race Issues Not Involved

Freedom of choice is NOT segregation for that is forcible separation of the races by law. The proposed amendment does NOT apply to tax supported institutions, publicly owned enterprises, to the various means of transportation. Therefore, it is NOT Jim Crow. Were it designed to achieve any of these purposes it could be legitimately argued that it does involve race.

The amendment does not even cover business places whose patrons are merely formal onlookers or shoppers. For it bestows the right to choose only in the intimate personal relationships of life. Under freedom of choice this right is regarded as a strictly individual one. Segregation and Jim Crow laws are the result of organized majority demands. Civil rights codes stem from organized minority demands. Individual choice is denied in each of these cases.

With respect to legal segregation and Jim Crow, the question of equality is at issue. In the case of freedom of choice in purely personal relationships, equality is NOT at issue. The right to choose his eating, living and working companions and associates is left to each individual's own discretion. This residual amount of preference in purely personal matters can be — and is — upheld by the American concept of individual freedom. The choice has nothing to do with race, except as the opposition falsely tries to make it an issue.

On the Constitutionality

In 1883, the Supreme Court of the United States held that the civil rights code passed by congress a few years after the Civil War was unconstitutional. That code was almost identical in language with California's present civil rights code. The court declared that legislation affecting the social relationships of the citizen was exclusively a state matter.

Opponents of freedom of choice claim that it is "unconstitutional." Yet freedom of choice is not even proposed as a law. It is merely the declaration of a right in the organic law, with the right defined and limited.

Thirteen northern states, and 16 southern and border states (except for scattered local ordinances) still have complete freedom of choice. No one has challenged the constitutionality of freedom of choice in those states. FOR THERE IS NO LAW TO CHALLENGE!

Constructive Approach

By injecting the race issue into freedom of choice, the Anti-Defamation League of the B'Nai B'rith, the Negro and Jewish press, Walter Winchell and others are injuring, not helping, race relations.

Somehow they imagine that people can be made "tolerant" by law. That is like believing that you can have unity by tying the tails of two cats together and throwing them over the clothesline!

It is legal coercion, not freedom of choice, which stores up dangerous personal resentments that in the end lead to racial explosion. To try to force people through civil rights codes into personal and business relationships which they do not prefer only speeds the blast.

The Communists who want racial disturbances know this. That is why the Communist press is so violently opposing freedom of choice. And the reason that some politicians oppose freedom of choice is because they think only in terms of votes, and are afraid they cannot be elected without minority support.

Are not all of these good reasons why the rest of us should be FOR freedom of choice?

With a great many others, AMERICA PLUS believes that the only constructive approach to improved human relationships is the gradual reduction of friction by education and mutual understanding. For if the job cannot be done this way, it cannot be done at all. The majority will take only so much, and no more.

LET US ALL WORK TOWARD BETTER HUMAN RELATIONS IN A SOCIETY IN WHICH THE INDIVIDUAL CITIZEN IS NOT DRIVEN TO HATE AND REVENGE BY THE ARBITRARY DICTATES OF THE STATE, BUT IS ENCOURAGED TO BE TOLERANT BY VIRTUE OF THE FREE EXERCISE OF THE INHERENT RIGHT TO CHOOSE!

What You Can Do About It!

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Suite 229 Spurgeon Building
206 West 4th Street Tel: KI 3-4727
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